

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

RUTH WHITE, AGENT FOR  
MARY I. WHITE,

Plaintiff,

v.

SENIOR HEALTH INSURANCE  
COMPANY OF PENNSYLVANIA,

Defendant.

CASE NO. 5:17-cv-1531

Judge

Magistrate Judge

**DEFENDANTS' NOTICE OF REMOVAL**

Comes now Defendant, Senior Health Insurance Company of Pennsylvania, and hereby give notice pursuant to 28 U.S.C. §1441 of the removal of this action from the Summit County Court of Common Pleas, Case No. CV 2017-06-2489, to the United States District Court for the Northern District of Ohio, for the following reasons:

1. Venue is proper in the United States District Court for the Northern District of Ohio, because the underlying state court case was filed in Summit County, Ohio.
2. Based on the allegations and representations made within Plaintiff's Complaint, the amount in controversy in this lawsuit exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.
3. Upon information and belief, the Plaintiff, Mary I. White, is considered a citizen of the State of Ohio.

4. Defendant incorporated under the laws of the State of Pennsylvania, with a principal place of business being in Carmel, Indiana, but is also authorized to and do conduct business in the State of Ohio. At no time has Defendant been organized under the laws of the State of Ohio, nor have they ever maintained their principal place of business within the State of Ohio.

5. As there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, this is a case subject to the original jurisdiction of this Court under 28 U.S.C. §1332.

6. Plaintiff's Complaint was filed on June 15, 2017 in Summit County Court of Common Pleas, and Defendant was served via certified mail on June 22, 2017.

7. This Notice of Removal is being filed within thirty (30) days of service of Plaintiff's Complaint on Defendant.

8. This case may be removed to the US District Court for the Northern District of Ohio pursuant to the provisions of 28 U.S.C. §1441 and 28 U.S.C. §1446.

9. A complete copy of the record of the Summit County Court of Common Pleas, Case No. CV 2017-06-2489 is attached to this Notice of Removal as **Exhibits "A and B"**, as required by 28 U.S.C. §1446(a).

10. In compliance with 28 U.S.C. §1446(a), Defendant has also provided written notice of the Notice of Removal to the Clerk of Courts for the Summit County Court of Common Pleas, a copy of which is attached to this Notice of Removal as **Exhibit "C"**.

11. Defendant has also given written notice of this Notice of Removal to Plaintiff by mailing a copy to their counsel of record.

Respectfully submitted,

/s/ Jason P. Walker

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***ATTORNEY FOR DEFENDANT***

### **CERTIFICATE OF SERVICE**

This is to confirm that a copy of the foregoing ***Notice of Removal*** was electronically filed on this 20<sup>th</sup> day of July, 2017; and has been served upon the following counsel via regular U.S. Mail and/or electronic mail on this 20<sup>th</sup> day of July, 2017:

Mark Pirozzi, Esq.  
Mark Pirozzi LLC  
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Fairlawn, Ohio 44333

Attorney for Plaintiff

/s/ Jason P. Walker  
Jason P. Walker, Esq.